

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
))
Plaintiff,)
))
v.)
))
HALLIBURTON ENERGY SERVICES, INC.)
))
))
Defendant.)
_____)

**Civil Action No.
3:16-cv-0233-CWR-FKB**

**EEOC’S RESPONSE IN OPPOSITION TO DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, United States Equal Employment Opportunity Commission (“EEOC” or the “Commission”) opposes Halliburton Energy Services, Inc.’s (“Defendant” or “Halliburton”) Motion for Summary Judgment. (Doc. 77-78). There is substantial evidence to support Plaintiff’s breach of contract claims, there are genuine issues of material fact, and Defendant is not entitled to judgment as a matter of law. There is substantial evidence to support Plaintiff’s claim that under the terms of the Meditation Settlement Agreement “MSA”, Halliburton agreed to rehire Anderson, “as a Project Specialist-Safeguard III; BC503-ESG or comparable position based on successful completion of pre-employment screening”, yet Halliburton failed to rehire Anderson. There is no true dispute that Halliburton failed to fully satisfy its obligations under the agreement. There is sufficient evidence from which a reasonable jury could conclude each of Halliburton’s cited reasons for its failure to comply with the MSA is without merit.

In further support of its opposition to Defendant’s Motion, Plaintiff submits the following:

1. Exhibit A: Deposition excerpts and exhibits to the deposition of Ellen LeBlanc, Manager of Global Benefits;
2. Exhibit B: Deposition excerpts and exhibits to the deposition of Defendant's 30(b)(6) Corporate Representative (Ellen Graffeo);
3. Exhibit C: Def. Responses to EEOC's First Set of Interrogatories;
4. Exhibit D: Deposition excerpts and exhibits to the deposition of Jason Anderson, Charging Party;
5. Exhibit E: Deposition excerpts and exhibits to the deposition of Defendant's 30(b)(6) Corporate Representative (Ellen LeBlanc);
6. Exhibit F: Email Communication from turle042494@yahoo to Jason Anderson – February 4, 2009, Bates labeled EEOC000625;
7. Exhibit G: Deposition excerpts and exhibits to the deposition of Defendant's 30(b)(6) Corporate Representative (Rebecca Oliver);
8. Exhibit H: Letter from Defendant Halliburton to Jason Anderson re: offer of employment for position of Project Spec-Safeguard III; BC503-ESG – January 14, 2013, Bates labeled EEOC000628 through EEOC000629;
9. Exhibit I: Halliburton Medical Packet Submission for Jason Anderson (Libya) dated January 30, 2013, Bates labeled EEOC000772 through EEOC000783;
10. Exhibit J: Southern Bone & Joint Specialists, P.A. – Office Visit for Jason Anderson dated March 27, 2013, Bates labeled EEOC000821 through EEOC000823;
11. Exhibit K: Deposition excerpts and exhibits to the deposition of Dr. Robert Conté, Halliburton's Medical Director;
12. Exhibit L: Deposition excerpts and exhibits to the deposition of Linda Walker, EEOC

Mediator;

13. Exhibit M: Deposition excerpts and exhibits to the deposition of Rebecca Oliver, Senior Employee Relations Representative;
14. Exhibit N: Deposition excerpts and exhibits to the deposition of Ellen Graffeo, Global Human Asset Manager for the Boots & Coots PSL division;
15. Exhibit O: Letter from Dr. Vivek Barclay, dated March 18, 2014, Bates labeled EEOC000438;
16. Exhibit P: Dr. Charles Yarborough Expert Report;
17. Exhibit Q: Dr. Charles Yarborough Rebuttal Expert Report;
18. Exhibit R: International SOS – Meeting the Needs of Remote Onshore Environments Webpage, Bates labeled EEOC000754 through EEOC000756;
19. Exhibit S: International SOS – Eastern Europe and Middle East Webpage, Bates labeled EEOC000757 through EEOC000758;
20. Exhibit T: International SOS – Iraq Webpage, Bates labeled EEOC000759 through EEOC000763; and
21. Exhibit U: Thomas Donovan Expert Report

Dated this the 27th day of November, 2017.

/s/Harriett Oppenheim
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2017, I filed the foregoing with the Clerk of Court using the CM/ECF system which will electronically send notification of the filing to all attorneys of record.

Dated this the 27th day of November 2017.

/s/Harriett Oppenheim
HARRIETT OPPENHEIM
Senior Trial Attorney